



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

MEH:ddj
Docket No: 3776-00
7 November 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1040 CMT of 27 September 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1040
CMT
27 Sep 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF STAFF SERGEANT [REDACTED]

Ref: (a) BCNR Docket #3776-00
(b) MCO P1040R.35B, Reserve Career Planning and Retention Manual
(c) Phonecon between MSgt [REDACTED] (CMT) and LCpl [REDACTED] (MMSB) on 26 Sep 2000

1. In response to reference (a), the following information is provided. Staff Sergeant [REDACTED] requested reenlistment into the Individual Ready Reserve (IRR) on 8 February 1999 and 8 March 2000, but was denied reenlistment due to a fitness report date gap, which was in accordance with paragraph 5101.2. of reference (b). However, Staff Sergeant [REDACTED] was previously granted three extensions, totalling 12 months, to afford him the opportunity to resolve this date gap. Staff Sergeant [REDACTED] fell off contract on 15 March 2000 with a date gap still existing in his record. Reference (c) confirmed that the missing fitness report was not input into the fitness report system until 19 June 2000. Staff Sergeant [REDACTED] will now have to contact a prior service recruiter to request an off-contract waiver to rejoin the Marine Corps Reserve. It is our opinion that Staff Sergeant Jackson's record stand as is to reflect a break in service.

2. The point of contact for this matter is Master Sergeant [REDACTED] at (703) 784-9128 or DSN 278-9128.


P. J. MCCARTHY
By direction